

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

# Public Notice

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 2009-1847

Date: November 15, 2013

Notice No. 13-48

Closing Date: December 15, 2013

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.
2. APPLICANT: Oxford Mining Company, LLC  
P.O. Box 427  
Coshocton, Ohio 43812
3. LOCATION: Piergallini Mine Site  
Smithfield Township, Jefferson County, Ohio  
Lat: 40°, 15', 43"; Long: W 80°, 48'.28"
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to impact 3,410 linear feet of streams and 0.08 acre of wetlands to operate a surface coal mine that will recover coal by strip mining. The mining plan proposes to mine through and/or backfill all existing highwalls and in the process backfill all existing isolated pit impoundments. The mine is approximately 400.3 acres and is located in Smithfield Township, Jefferson County, Ohio. Mitigation will result in on-site construction of 0.19 acre of wetlands and 3,410 linear feet of streams. Drawings of the proposed impacts, aquatic resources and the mine are attached to this notice.
5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:  
  
Ohio Environmental Protection Agency (Ohio EPA)  
Section 401 Coordinator  
PO Box 1049  
Columbus, Ohio 43266-0149  
Telephone Number: 614-644-2001
6. IMPACT ON NATURAL RESOURCES: A mist nest survey was conducted by EnviroScience, Inc. on July 14 and 15, 2011. No Indiana Bats were captured. The District Engineer has consulted the most recently available information and has determined that the project may affect, but is not likely to adversely affect endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been



determined to be critical. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended). If the U.S. Fish and Wildlife Service concurs with the may affect, not likely to adversely affect determination please respond with written concurrence.

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and A Phase I Cultural Resources Management survey was performed by Professional Archaeological Services Team (December 2011), it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on

the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Michael Fodse at the above address, by telephoning (412) 395-7575, or by e-mail at Michael.M.Fodse@usace.army.mil Please refer to CELRP-OP-F 2009-1847 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Nancy Mullen  
Northern Section Chief  
Regulatory Branch







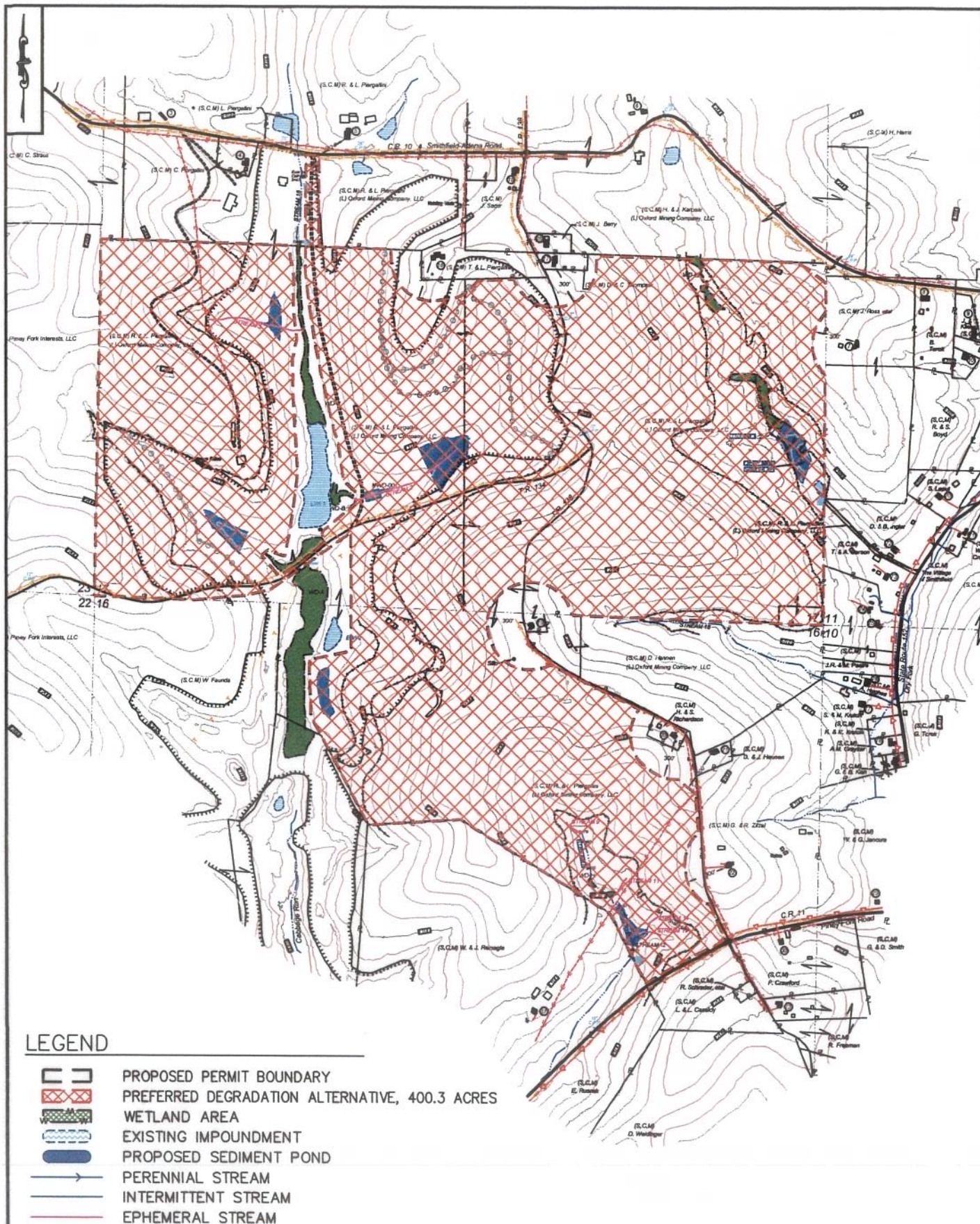


Figure 2: PREFERRED ALTERNATIVE MAP  
 OXFORD MINING COMPANY, LLC  
 JEFFERSON COUNTY, OHIO

04/01/13

SCALE: 1" = 1000'



**Linn Engineering, Inc.**  
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